United Nations CRC/C/MDV/CO/4-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of Maldives*

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Maldives (CRC/C/MDV/4-5) at its 2077th and 2079th meetings (see CRC/C/SR.2077 and 2079), held on 19 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/MDV/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) Convention on the Rights of Persons with Disabilities, in April 2010;

(b) International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182), in January 2013;

(c) Rome Statute of the International Criminal Court, in September 2011.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Prevention of Sexual Harassment and Abuse Act of 2014;

(b) Sexual Offences Act of 2014;

(c) Prevention of Human Trafficking Act of 2013;

(d) Domestic Violence Act of 2012;

(e) Preschools Act of 2012;

(f) Protection and Financial Assistance to Persons with Disabilities Act of 2010;

(g) Special Measures for Perpetrators of Child Sexual Abuse Act of 2009.

5. The Committee welcomes the following institutional and policy measures:

(a) Adoption of the child protection policy for children attending educational establishments in 2015;

(b) Adoption of the "no child left behind policy" in 2014;

(c) Establishment of one safe home in Malé and four safe homes in the atolls in 2014;

(d) Adoption of the inclusive education policy, in 2012.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Committee's previous recommendations

6. The Committee recommends that the State party take all measures necessary to address the recommendations made in its concluding observations of 2007 (CRC/C/MDV/CO/3) that have not been implemented or sufficiently implemented and, in particular, those related to reservations (para. 10), legislation (para. 12), comprehensive policy and strategy (para. 15), coordination (para. 17), allocation of resources (para. 22) and a national data collection system (para. 23).

Reservations

7. The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 10) and encourages the State party to consider withdrawing its reservations to articles 14 (1) and 21 of the Convention.

Legislation

8. The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 12) and recommends that the State party take immediate measures to adopt the draft Child Rights Bill, ensuring its full compliance with the Convention, including in areas related to shared parental responsibility, removal of children from their families, coordination of child protection, and the rights of children of expatriates.

Comprehensive policy and strategy

9. While noting that relevant policies, for example on inclusive education and protection for children attending educational establishments, have recently been adopted, the Committee is concerned that the State party has not yet developed a comprehensive policy on children.

10. **The Committee encourages the State party to prepare a comprehensive policy on children that encompasses all areas covered by the Convention and its Optional Protocols and, on the basis of the policy, to develop a strategy with the elements for its application, supported by sufficient human, technical and financial resources. The strategy should clarify the child rights mandates of State institutions and set up a clear monitoring and evaluation framework.**

Coordination

11. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 17) and urges the State party to establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

12. While welcoming the increased resource allocation in the social sector, the Committee is concerned at the lack of specific budget lines allocated for implementing the obligations under the Convention, as well as the lack of monitoring and evaluation mechanisms to assess the distribution of resources to implement these obligations.

13. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child: responsibility of States", the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children, allocate adequate budgetary resources for the implementation of children's rights and, in particular, address disparities on the basis of indicators related to children's rights;**

(b) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.**

Data collection

14. While welcoming the establishment in 2010 of the Maldives Child Protection Database, the Committee is concerned that adequate budgetary resources have not been allocated to its operationalization in order to enable the collection of disaggregated data which can be used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

15. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis relating to**

the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that:

(a) **The data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(b) **The State party take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information;**

(c) **The State party allocate budgetary resources towards multisectoral sharing and the full operation of the child protection database and strengthen its technical cooperation with the United Nations Children's Fund (UNICEF) and other appropriate organizations.**

Independent monitoring

16. The Committee welcomes the establishment of the Child and Family Protection Service in Malé, and family and children's service centres on 19 atolls, to receive, monitor and investigate complaints of child rights violations. The Committee is concerned, however, that the centres are understaffed and underfunded. It is further concerned that, following an investigative report published in April 2014 by the Human Rights Commission of the Maldives on the case of a 15-year-old girl and the submission of a report to the Human Rights Council's universal periodic review process in 2014, the Supreme Court of the Maldives initiated *suo motu* proceedings against the Commission for its criticism of the Supreme Court's powers. The Committee is also concerned that the 2016 budget of the Commission, which also acts as the national preventive mechanism, has been significantly reduced, which has a negative impact on its functioning and in particular its ability to monitor juvenile detention centres.

17. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee urges the State party to immediately cease all actions of reprisal against the Human Rights Commission of the Maldives for its cooperation with United** Nations **bodies and ensure the independence of this monitoring mechanism, including with regards to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). With respect to the latter, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme.**

Dissemination, awareness-raising and training

18. The Committee notes the State party's efforts to raise awareness about the Convention, including through several television and radio programmes on child rights issues, as well as its efforts to conduct training sessions for persons working with and for children. The Committee is concerned, however, that:

(a) There is no officially translated version of the Convention and there have not been adequate efforts to disseminate the State party reports;

(b) There exists among some members of the general public, and especially children, a misconception about the "incompatibility" of Islam and children's rights, in part as a result of the limited knowledge of the Convention.

19. **The Committee recommends that the State party:**

(a) **Provide an official translation of the Convention and its child-friendly version into local languages, and widely disseminate these translations, as well as the State party reports and the concluding observations of the Committee;**

(b) **Strengthen its efforts to provide professionals with targeted and regular training on the provisions and principles of the Convention and to systematically disseminate information about the Convention among children, their parents and other caregivers and all relevant professional groups working with and for children;**

(c) **Integrate the teaching of the Convention into school curricula up to the tertiary level, and regularly broadcast the content of the Convention on radio and on television, as well as through the Internet;**

(d) **Develop, in cooperation with UNICEF and civil society, targeted awareness-raising programmes, including campaigns, to address the misconception among the public about the incompatibility of Islam and children's rights.**

Children's rights and the business sector

20. The Committee is concerned that, while tourism constitutes the main pillar of the State party's economy, and child prostitution is reported to take place in the tourist environment of beaches, safari boats and guesthouses, the State party has not yet adopted measures to protect children from violations of their rights that may arise from tourism activities, especially child sex tourism.

21. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) **Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism industry;**

(b) **Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism and widely disseminate the charter of honour for tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and other members of the tourism industry;**

(c) **Strengthen its cooperation at the international level against child sex tourism through multilateral, regional and bilateral arrangements for its prevention and elimination, including by executing international information exchange agreements so that sex offenders can be identified when crossing borders.**

Cooperation with civil society

22. The Committee is concerned about reports that some non-governmental organizations (NGOs) advocating for human rights have been subjected to intimidation by State actors.

23. **The Committee reminds the State party that human rights defenders deserve special protection, as their work is critical for promoting human rights for all, including children, and thus strongly recommends that the State party take immediate**

action to allow journalists, human rights defenders and all NGOs to exercise their right to freedom of expression and opinion without threat and harassment. The Committee also urges the State party to ensure, as indicated in the dialogue, that reported instances of intimidation and harassment of NGOs, human rights defenders and civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable. The Committee further recommends that the State party systematically involve all NGOs working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.

B. Definition of the child (art. 1)

24. The Committee is concerned that article 28 of the Law on the Protection of the Rights of the Child (Law No. 9/91) provides for three exceptions under which a child is not entitled to any rights provided by this law: a child who enters into a contract of marriage; a child who becomes a parent; and a child who is employed.

25. **The Committee urges the State party to repeal article 28 of the Law on the Protection of the Rights of the Child and ensure that its legislation offers full and equal protection to all persons under the age of 18 without any exception.**

C. General principles (arts. 2-3, 6 and 12)

Non-discrimination

26. The Committee is concerned about:

(a) The discrepancy between article 20 of the Constitution, on equality of all citizens, and article 9 (b), which requires citizens to be Muslims and provides that non-Muslims are excluded from obtaining citizenship;

(b) Continued discrimination against girls in law and practice, including subjecting them to the will of their paternal guardians under the Family Law and the denial of inheritance;

(c) Reports that some political figures and religious leaders have made remarks that are considered to be demeaning to girls and promote gender-based discrimination;

(d) Continued discrimination against children born out of wedlock or following out-of-court marriages, including denial of the right to establish a legal relation with their biological father and to carry their biological father's surnames, as well as denial of inheritance;

(e) That children who are or are perceived to be lesbian, gay, bisexual, transgender or intersex are stigmatized and marginalized in the society.

27. **The Committee urges the State party to make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination. The Committee also urges the State party to amend its legislation in order to eliminate any discrimination against girls, children born out of wedlock or following out-of-court marriages, and lesbian, gay, bisexual, transgender or intersex children. The Committee further urges the State party to investigate and punish all cases of political figures and religious leaders making remarks that are demeaning to girls and that promote gender-based discrimination and violence. The Committee encourages the State party to use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of girls,**

of children born out of wedlock or following out-of-court marriages, and of lesbian, gay, bisexual, transgender or intersex children.

Best interests of the child

28. The Committee is concerned that customary and religious interpretations of the best interests of the child that are not in conformity with the Convention prevail in the State party and lead to serious violations of children's rights. The Committee notes with serious concern that the non-reporting of child sexual abuse is considered as preserving the so-called "honour" of the child and therefore serving his or her best interests.

29. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party explicitly define and enshrine in its legislation the principle of the best interests of the child, in compliance with article 3 of the Convention. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority, and especially those working in law enforcement, for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration. The State party should conduct awareness-raising campaigns that challenge religious and customary interpretations which lead people to think that impunity for perpetrators of child sexual abuse is in the best interests of the child.**

Right to life, survival and development

30. The Committee is gravely concerned that:

(a) The Juvenile Court sentenced five children to death in three separate cases (one case in 2013 and two cases in 2015);

(b) Reports indicate that most of the children facing death sentences have been sentenced under *qisas* (retaliation in kind) cases and that, based on the 30 November 2015 High Court ruling, the President may no longer commute a death sentence to life imprisonment for the offence of intentional murder if all heirs of the victim want to impose the Sharia punishment of *qisas* and demand the implementation of capital punishment on the convicted killer;

(c) The 2014 Regulation on Investigation and Execution of Sentence for Wilful Murder allows for children as young as 7 years of age to be sentenced to death for the offence of intentional murder;

(d) The 2014 Regulation on Implementation of Death Penalty, which is currently being expanded into a death penalty bill, allows for the implementation of the death penalty on minors who are on death row once they turn 18;

(e) The November 2015 circulars establishing automatic appeal for death penalty and flogging cases, while positive in general, are not adequately disseminated among those who can benefit from them, and also reduce the period of appeal to the Supreme Court from 60 days to 30 days.

31. **The Committee urges the State party to, with the utmost priority:**

(a) **Repeal all legal provisions in domestic legislation that provide for the death penalty for persons under the age of 18;**

(b) **Ensure that the death penalty is not carried out on persons under the age of 18 years or on persons who were under the age of 18 at the time of the commission of the crime, including for *hadood* offences and *qisas* cases, to replace any such death**

sentences with an appropriate alternative sanction and to work with families of murder victims to encourage pardons for *qisas* cases.

Respect for the views of the child

32. The Committee is concerned that children are rarely heard by social welfare institutions, courts of law and administrative authorities, and that children under the age of 16 or who have not attained puberty are not permitted to give testimony in court.

33. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 45) and urges the State party to ensure that the right of children to be heard is respected, in accordance with their age and maturity, at any proceeding that may have an impact on their rights, particularly in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level and in relation to giving testimony in court.**

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Freedom of thought, conscience and religion

34. The Committee is seriously concerned about reports of religious intolerance towards non-Muslims and non-believers, and the general impunity enjoyed by those who commit violence against adults and children promoting religious tolerance. The Committee is also concerned about reports that religious extremism is on the rise in the State party and that it has a severe impact on the rights of children to freedom of thought, conscience and religion.

35. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 48) that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures, including legislative measures, to prevent and eliminate all forms of religious intolerance and of discrimination on the grounds of religion or belief and by promoting religious tolerance and dialogue in society, including through facilitating an open public debate on religious issues. The State party should ensure that those committing violence in the name of religion are held accountable.**

Freedom of association and peaceful assembly

36. While welcoming the recent establishment of human rights clubs in 18 schools, the Committee is concerned that the Association Act 1/2003 prohibits all children from forming associations.

37. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 51) and recommends that, as indicated during the dialogue, the State party amend the Association Act to allow children to form associations, encourage children to form associations and create opportunities for their involvement in the formulation of policies and decisions that affect them.**

Access to appropriate information

38. While noting that most children between 14 and 18 years of age in the State party have access to the Internet and that the State party has recently started to conduct awareness-raising activities on cyberbullying and Internet safety for children and their parents, the Committee is concerned that these measures have been insufficient to ensure that children are not exposed to age-inappropriate information and pornography and to cyberbullying.

39. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, paras. 53-54) and recommends that the State party further improve children's access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health, and strengthen awareness programmes for children, as well as parents and teachers, on safety on the Internet and addressing, inter alia, the issues of pornography and cyberbullying.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

40. While noting that article 54 of the Constitution prohibits torture, the Committee is concerned that, under the 2014 Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (arts. 4 and 5), children who have reached puberty may be punished by flogging for committing certain *hadood* offences. The Committee is seriously concerned that minors continue to be flogged or sentenced to flogging and that there is a gender bias in the application of this punishment as, in the majority of cases, only women and girls who have been convicted for sex outside of marriage are sentenced to flogging. The Committee is further concerned that child offenders may also be lawfully sentenced to life imprisonment, banishment or flogging for consensual same-sex relations.

41. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 56) and, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, it urges the State party:**

(a) **To take all measures necessary to ensure that persons who committed crimes while under the age of 18 are not subjected to any form of torture, including corporal punishment, and that corporal punishment as a disciplinary measure is prohibited by law in the home, alternative care settings, justice institutions, schools and workplace settings;**

(b) **To amend the 2014 Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (arts. 4 and 5) to prohibit flogging;**

(c) **To explicitly prohibit life imprisonment of persons under the age of 18.**

Freedom of the child from all forms of violence

42. While welcoming the adoption in 2012 of the Domestic Violence Act and the activities carried out to raise awareness about its provisions, the Committee is concerned that the Act is not interpreted as prohibiting corporal punishment of children. The Committee is particularly concerned that:

(a) Violence against children, abuse and neglect are widespread at home, at school and in the community;

(b) The level of reporting of cases of domestic violence is low, and law enforcement officers are often reluctant to take action and arrest perpetrators of domestic violence, believing such violence is justified in Islam;

(c) Shelters required under the 2012 Act are yet to be established and family and protection services centers and safe houses are underfunded and unavailable;

(d) While gang-related violence is escalating, especially in Malé, limited measures have been taken to protect children from gang-related violence and deaths and from involvement in gang-related activities;

(e) Children have been exposed to violence during protests that ensued after 7 February 2012;

(f) Children who are or are perceived to be lesbian, gay, bisexual, transgender or intersex face intimidation and overt threats.

43. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and Sustainable Development Goal 16, target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Ensure that corporal punishment is unambiguously prohibited under the Domestic Violence Act;**

(b) **Ensure the enforcement and implementation of the 2012 Domestic Violence Act, including by establishing the required shelters, adequately funding protection services centres and safe houses, providing adequate capacity-building for law enforcement officials on violence against girls within the family, and increasing reporting through awareness-raising efforts;**

(c) **Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(d) **Institutionalize, as also recommended by the Special Representative of the Secretary General on Violence against Children during her visit in May 2013, a high-level platform bringing together all leading departments and institutions responsible for child protection concerns to meet periodically and formulate a comprehensive strategy, stipulating concrete budgeted interventions, for preventing and combating violence against children and child abuse, including with a focus on gang-related violence;**

(e) **Create a unified, coordinated and comprehensive child protection system;**

(f) **Take all measures necessary to prevent violence against children, as well as their exposure to violence during political protests;**

(g) **Prevent intimidation and threats directed towards lesbian, gay, bisexual, transgender and intersex children.**

Sexual exploitation and abuse

44. The Committee welcomes the enactment in 2009 of the Special Provisions Act to Deal with Child Sexual Abuse, the subsequent online publishing by the Ministry of Law and Gender in November 2015 of a registry of convicted sex offenders and the increase in reporting of child sexual abuse. The Committee is concerned, however, that:

(a) The legislation lacks a definition of the term "sexual abuse", and article 14 of the 2009 Act allows for exemptions in cases of sexual offences committed against married girls by their husbands;

(b) The legal minimum age for sexual consent is set too low, at 13 years;

(c) Child sexual abuse, especially of girls, remains common and largely unreported, conviction rates are extremely low and perpetrators are often released early and back into their community;

(d) Secondary legislation, such as the Evidence Bill, necessary for effective implementation of the 2009 Act is yet to be finalized;

(e) Judges are reported to hold discriminatory views relating to women, girls and sexuality; have shown insensitivity towards victims of child sexual abuse; and, in some cases, have themselves been convicted of sexual offences in the past;

(f) Pregnancy out of wedlock is criminalized under the Sexual Offences Act, including for girls who become pregnant as a result of abuse;

(g) There have been a number of cases of sexually abused children being sentenced to flogging on charges of fornication.

45. **The Committee recommends that the State party:**

(a) **Raise the minimum age for sexual consent to an internationally acceptable standard;**

(b) **Amend legislation to define sexual abuse in conformity with the Convention and to ensure that all children subject to any form of sexual exploitation are treated as victims and not subject to criminal sanctions;**

(c) **Repeal article 14 of the 2009 Act, with a view to ensuring that all forms of sexual abuse, including marital rape, are criminalized and punished with penalties commensurate with the gravity of the offence, and finalize and enact the Evidence Bill;**

(d) **Establish mechanisms, procedures and guidelines to ensure the duty to report all cases of child sexual abuse and exploitation;**

(e) **Ensure effective prosecution against and commensurate sanctions for perpetrators of sexual exploitation and abuse, including through sensitization of judges regarding sexual abuse of girls;**

(f) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(g) **Strengthen the development of programmes and policies for the prevention, recovery and social reintegration of child victims, including the provision of adequate shelter, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

Harmful practices

46. The Committee is concerned that, although the minimum age for marriage is 18, under article 4 (b) of the Family Act, the Family Court in Malé can authorize marriage at an earlier age, provided that the child has attained puberty, is of sound physical and mental health and has the competency to maintain a livelihood. While noting that the State party has distributed information posters on the consequences of underage marriage and conducted other awareness-raising activities on the harmful consequences of child marriage and female genital mutilation, the Committee is concerned that child marriages are reportedly increasing in the State party. The Committee is further concerned that there is no explicit legal protection against female genital mutilation and that it has reportedly been endorsed by some religious leaders, including the vice-president of the Fiqh Academy, as "a good Islamic practice".

47. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee urges the State party to take active measures to put an end to harmful practices against children in the State party. In particular, the Committee urges the State party to:**

(a) **Ensure that the minimum age of marriage set at 18 in article 4 (a) of the Family Act Child is upheld;**

(b) **Enact legislation explicitly prohibiting female genital mutilation as a harmful practice and take measures to combat it, including through raising awareness of its harmful effects and holding religious leaders who promote it accountable;**

(c) **Strengthen awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, judges and prosecutors.**

Helpline

48. The Committee welcomes the establishment in 2009 of a free 24-hour helpline run by the Ministry of Law and Gender, which victims or their families can use to report cases of abuse. The Committee is concerned, however, that there have been numerous complaints concerning the helpline, including regarding lack of awareness of its existence, weak access connection, lack of trained staff to respond to calls and lack of follow-up action, all of which have resulted in a lack of public confidence in the Helpline.

49. **The Committee recommends that the State party create standard operating procedures to manage the child helpline, provide adequate training for the staff responding to the calls and actively encourage the use of the helpline to report suspected cases of abuse.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1)-(2), 20-21, 25 and 27 (4)

Family environment

50. The Committee remains concerned, as underscored during the dialogue, about the very high rate of divorce in the State party, which continues to increase. The Committee is also concerned that there is only one childcare facility in the State party, despite the large number of working mothers. The Committee is further concerned at the lack of parenting awareness programmes and couples guidance services.

51. **The Committee recommends that the State party undertake a study into the reasons behind the high divorce rate and encourages the State party to increase its efforts to provide childcare facilities and to develop family education and awareness through, inter alia, providing support, including training, for parents in parental guidance and joint parental responsibilities.**

Children deprived of a family environment

52. The Committee is seriously concerned about abuse, discrimination and violence against children within alternative care institutions and about the steady increase since 2010 in the number of children placed in the Home for People with Special Needs, an institution which is neither mandated nor set up to provide children with residential care or to provide

child victims with the treatment and services they need. The Committee is particularly concerned that:

(a) There is currently no comprehensive legal framework, nor are there guidelines for the placement, care and reintegration of children in alternative care, nor for the oversight of the recruitment and conduct of staff at alternative care institutions;

(b) There is a lack of plans, policies or procedures for children or adolescents leaving care;

(c) No adequate consideration has been given by the State party to the possibilities for the development of traditional foster care systems, such as family- and community-based alternative care.

53. **The Committee urges the State party to immediately remove children from the Home for People with Special Needs, stop placing children in this institution and investigate all cases of abuse, discrimination and violence against children within alternative care institutions. Reiterating its previous recommendation (see CRC/C/MDV/CO/3, para. 60), the Committee further recommends that the State party adopt expeditiously the Regulations on Minimum Standards for Children's Homes, the Regulations on State Custody and the Regulations on Foster Care, taking into account the Guidelines for the Alternative Care of Children of 20 December 2009, and to provide relevant training to staff to implement them in practice. The Committee also recommends that the State party urgently develop programmes for children and adolescents leaving care and explore without further delay possibilities for the development of traditional foster care systems, such as family- and community-based alternative care.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23-24, 26, 27 (1)-(3) and 33)

Children with disabilities

54. While welcoming the adoption of the Protection and Financial Assistance to Persons with Disabilities Act in 2010 and of the inclusive education policy in 2012, the Committee is concerned about the lack of full implementation of the Act. The Committee also remains concerned about the stigmatization of children with disabilities, the absence of disaggregated data on children with disabilities, and their lack of access to health services.

55. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human-rights-based approach to disability, set up a comprehensive strategy, based on disaggregated statistical data, for the inclusion of children with disabilities and:**

(a) **Allocate sufficient resources for the full implementation of the Protection and Financial Assistance to Persons with Disabilities Act;**

(b) **Ensure that all children with disabilities are included in the disability registry and remove any existing financial or other obstacles to such registration;**

(c) **Strengthen its efforts to implement the inclusive education policy and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

(d) **Strengthen its efforts to ensure that children with disabilities have access to health care, including early detection and intervention programmes;**

(e) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Adolescent health

56. The Committee notes that standards have recently been developed to provide adolescent-friendly health services, and that sensitization sessions for policymakers and for religious leaders have been conducted on this topic. The Committee also notes that the Ministry of Education delivers in schools a comprehensive life skills package for adolescents on sexual and reproductive health, and that broadcast media is utilized to further promote awareness. The Committee further notes that the Family Protection Unit offers support and medical care for unmarried pregnant girls. The Committee is concerned, however, that:

(a) Abortion requires the consent of the spouse and is permitted only in the following cases: Thalassemia major, sickle cell major or multiple congenital anomalies; to save the life of the mother or preserve her physical health; rape by an immediate family member; and rape of a child who is physically and mentally unfit to become pregnant and deliver a baby;

(b) There is no universal access to reproductive health-care services, and unmarried girls face difficulties due to the social condemnation and criminalization of out-of-wedlock pregnancy, which increasingly leads to illegal and unsafe abortions, putting the lives and health of adolescent mothers at great risk;

(c) According to a 2006 nationwide study, 66 per cent of children and adolescents in the State party suffered from issues related to mental health and, according to a 2009 survey, 22.2 per cent of students in the State party had made a plan for attempting suicide during the 12 months preceding the survey, but no specialized mental health services for children and adolescents have been established in the State party to date.

57. **With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections;**

(b) **Decriminalize abortions in all circumstances and review its legislation with a view to ensuring children's access to safe abortion and post-abortion care services, including by removing the provision for spousal consent; and ensure that the views of the pregnant girl are always heard and respected in abortion decisions;**

(c) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children, and combat discrimination against them;**

(d) **Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention paid to boys and men;**

(e) **Provide specialized mental health facilities and services for children and adolescents;**

(f) **Facilitate internal dialogue with religious leaders regarding sensitive issues relating to sexual behaviour and the mental health of adolescents.**

Drug and substance abuse

58. The Committee is concerned that:

(a) Drug consumption among adolescents has increased in recent years, while the average age of first use of drugs is decreasing;

(b) There are currently no services in the State party specially designed for child victims of drug abuse, and services that are available are insufficient to meet demand and remain ineffective;

(c) Children need consent from a parent or guardian to obtain professional help for drug abuse, but many parents try to resolve the problem at home, fearing stigmatization;

(d) There has been an increase in the number of children born with withdrawal symptoms.

59. **The Committee recommends that the State party strengthen its efforts to address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information, as well as life skills education, on preventing substance abuse, including of tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services. Special attention should be paid to neonatal units, reproductive health service units and family protection units as part of specialized rehabilitation services for victims of substance abuse.**

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

60. The Committee welcomes the amendment made in 2014 to Law No. 9/91 (Child Rights Protection Act), which entitles all children living in the Maldives, including foreign children, to free education. The Committee notes the information that the draft Education Bill will introduce compulsory education up to grade 10 (15 years of age) but remains concerned about the delay in passing this bill. The Committee is also concerned that:

(a) The State party lacks a comprehensive early childhood care and education policy;

(b) Despite the provisions of the Disability Act 2010, children with disabilities have virtually no access to secondary education, especially in the atolls, and those included in ordinary schools face serious discrimination inside the classroom;

(c) A number of girls are reportedly being withdrawn from school;

61. **The Committee urges the State party to adopt the Education Bill without further delay and in conformity with the Convention. The Committee further recommends that the State party:**

(a) **Adopt a comprehensive early childhood care and education policy;**

(b) **Ensure that all children, including children with disabilities, enjoy their right to education in equality with others;**

(c) **Undertake a study on the reasons for the withdrawal of girls from schools, with a view to designing and implementing appropriate policies and measures.**

Aims of education

62. While noting the information provided during the dialogue that teaching resources are currently being reviewed, the Committee is seriously concerned about reports that some teaching resources from grade four onwards contain sexist and xenophobic material, as well as other elements that do not promote understanding, peace and tolerance.

63. **With reference to its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to immediately withdraw all content that is derogatory and that calls for discrimination and violence on the basis of sex and religious belief, and replace it with educational materials and programmes that reflect a spirit of understanding, peace, tolerance, equality of the sexes and friendship among all peoples, ethnic, national and religious groups, and promote the development of respect for human rights and for all civilizations.**

Rest, leisure, recreation and cultural and artistic activities

64. While noting the State party's information that art and music are a part of the mandatory educational curriculum and that schools thus do not have the option to discontinue these subjects, the Committee is seriously concerned that art, music and the performing arts have reportedly been stopped in some schools as a result of religious propaganda that all forms of artistic expression are considered as "haram" and therefore forbidden.

65. **The Committee draws the State party's attention to general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and urges it to restart and protect all art, music and performing arts classes that have been stopped and to expand the existing avenues for children to enjoy leisure and learn about cultural traditions.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38, 39 and 40)

Economic exploitation, including child labour

66. The Committee notes that the 2008 Employment Act sets the minimum age for employment at 16 but is concerned that the Act does not apply to children working in family businesses, for whom there are no legislative safeguards. The Committee also notes that the Act prohibits employment of children under 18 years in any work that may have a detrimental effect on health, education, safety or conduct, but is concerned that the prohibited hazardous activities are not further specified. The Committee further notes that the Labour Relations Authority (LRA) and a labour inspection system to enforce the Act have been established. However, it is concerned that enforcement has been poor, as the Authority is understaffed and underresourced, inspections are inadequate and no specific training on recognizing and addressing child labour has been provided to inspectors.

67. **The Committee recommends that the State party adopt legislative safeguards for the protection of children working in family businesses, adopt a comprehensive list of exploitative and hazardous work prohibited for children, provide labour inspectors with mandatory training on recognizing and addressing child labour, and strengthen its labour inspections. The Committee also recommends that the State party seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.**

Administration of juvenile justice

68. The Committee notes that, under the newly adopted penal code of September 2014, the immaturity of a child is considered a justifiable defence for children below the age of 15, with the exception of *hadood* offences, and that the implementation of sentencing for any child between the ages of 15 and 17 who is found guilty of an offence under the penal code is to be deferred to a time when he or she reaches 18 years of age. The Committee is seriously concerned that the age of criminal responsibility remains low, at 10 years. The Committee is also concerned that:

(a) Judges in the State party tend to use the attainment of physical puberty rather than the minimum legal age to establish criminal responsibility;

(b) Flogging remains lawful as a sentence for crime;

(c) Detained children and adolescents are held in separate but adjoining cells in adult detention facilities;

(d) Children in conflict with the law, in pretrial detention and in prison are denied their right to education;

(e) There are no juvenile courts outside Malé and all cases must be brought to Malé.

69. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:**

(a) **Not to apply penalties for *hadood* offences to children below the age of 18;**

(b) **Raise the age of criminal responsibility to an internationally acceptable standard;**

(c) **Adopt without further delay the Juvenile Justice Act, ensuring that its provisions fully comply with the provisions and principles of the Convention, as well as other international standards on the administration of juvenile justice, including hearing of the child during criminal proceedings;**

(d) **Abolish flogging as a sentence for crime;**

(e) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(f) **In cases in which detention is unavoidable, ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel;**

(g) **Expeditiously establish throughout the State party specialized juvenile court facilities and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

70. The Committee regrets the lack of information on the implementation of its concluding observations of 30 January 2009 on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MDV/CO/1). The Committee is particularly concerned at reports that a number of children from poor and rural backgrounds engage in child prostitution and in the production and distribution of child pornography.

71. **The Committee urges the State party to bring its penal code into full compliance with articles 2 and 3 of the Optional Protocol, including by criminalizing the use of children for prostitution and pornography even if the perpetrator and victim are married under Sharia law, criminalizing child sex trafficking even in the absence of coercion, and ensuring that child victims of offences under the Optional Protocol do not face charges under Sharia law (including charges of *zina*).**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

72. The Committee regrets the lack of information on the implementation of its concluding observations of 30 January 2009 on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/MDV/CO/1). In the light of information that couples and entire families have been reported to have travelled from the State party to the territories held by Islamic State in Iraq and the Levant (ISIL), the Committee is concerned at the lack of measures taken by the State party to prevent radicalization and recruitment into fanatical criminal groups.

73. **The Committee urges the State party to criminalize violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities and develop a strategy to tackle the growing problem of increased extremism, radicalization and recruitment into "jihadi" groups.**

J. Ratification of the Optional Protocol on a communications procedure

74. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.**

K. Ratification of international human rights instruments

75. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

IV. Implementation and reporting

A. Follow-up and dissemination

76. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fourth and fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the language of the country.**

B. Next report

77. **The Committee invites the State party to submit its combined sixth to seventh periodic reports by 12 September 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

78. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**